

The City Council of the City of Newton held a Public Forum at 6:00 PM on Wednesday, November 17, 2004 at City Hall with the following present: Mayor Robert Mullinax, Council Members Al Gaither, Anne Stedman, Tom Rowe, Thomas Dixon, Wayne Dellinger, Roy Johnson, City Manager Edward Burchins, City Attorney Larry Pitts, Assistant City Manager Glenn Pattishall and City Clerk Rita Williams.

Mayor Mullinax reconvened the November 2, 2004 meeting to hold a Public Forum to receive input from citizens from Nottingham and Starmount Village Subdivisions regarding the proposed sewer service to their subdivisions. Mayor Mullinax welcomed citizens and students from Mrs. Ijames Civics class who were attending the meeting.

Mayor Mullinax stated that for some time the Council has been mulling over extending water and sewer services to areas in the City which currently do not have them. He said the Council wanted to see if there was an interest from citizens in Nottingham and Starmount Village to have these services. He said the Council chose these two neighborhoods because they had received more inquiries from their citizens than some of the other areas. He stated that City Manager Burchins would give a presentation on how services could be extended and how they could be funded. Afterwards, he said citizens in the audience would be given an opportunity to speak or to ask questions.

City Manager Burchins gave an overview of the history and background of the Westside Annexation, services that the General Fund funds, the extension of water trunk lines and sewer outfalls to the area. Additionally, since the annexation, he stated the City has extended water lines to some neighborhoods and has placed fire hydrants there to enhance the level of fire protection.

Mr. Burchins reviewed areas throughout the City where water and sewer is not presently served and reviewed four financing options for funding the services. He said developers of new subdivisions are required to provide utility services, sidewalks, etc. in their developments and to recoup their costs through sale of the lots. He said this was why some subdivisions have services when others do not.

Mayor Mullinax asked citizens in the audience if they had questions regarding any of the information presented. He said he knew the main question would be how much would sewer service cost residents but he couldn't answer that question at this time. He said the Council wanted to know if the service can be provided at a reasonable price, would citizens be interest in tapping on.

One resident said the value of the service would be to increase the value of his home but at what cost to him.

Another resident said that she didn't want to incur costs for a septic tank replacement and then have to tap onto sewer in several years if sewer service is provided. If this would happen, would residents get some type of credit and Mayor Mullinax stated that they would not.

Another resident asked if a majority of residents wanted the service, what would the time frame be before service would be provided. Mr. Burchins told him approximately 18 months.

After further discussion, a resident requested the City survey the neighborhoods and see what the interest was and several citizens volunteered to help the City with the survey.

There being no further discussion, the meeting was adjourned.

Respectfully submitted,

Robert A. Mullinax, Mayor

Rita K. Williams, City Clerk

REGULAR MEETING- CITY COUNCIL - CITY OF NEWTON

NOVEMBER 17, 2004

The City Council of the City of Newton held a regular meeting at 7:00 PM on Wednesday, November 17, 2004 at City Hall with the following present: Mayor Robert Mullinax, Council Members Al Gaither, Anne Stedman, Tom Rowe, Thomas Dixon, Wayne Dellinger, Roy Johnson, City Manager Edward Burchins, City Attorney Larry Pitts, Assistant City Manager Glenn Pattishall and City Clerk Rita Williams.

ITEM 1 - CALL TO ORDER.

Mayor Mullinax called the meeting to order.

ITEM 2 - OPENING.

Council Member Stedman led the Pledge of Allegiance.

ITEM 3 - APPROVAL OF MINUTES OF THE NOVEMBER 2, 2004 REGULAR MEETING.

A motion was made by Council Member Dellinger, seconded by Council Member Johnson, and unanimously adopted that the minutes of the November 2, 2004 meeting be approved as submitted.

ITEM 4 - CONSIDERATION OF CONSENT AGENDA ITEMS.

A motion was made by Council Member Johnson, seconded by Mayor Pro Tem Rowe, and unanimously adopted that the following items on the Consent Agenda be approved:

A. Sewer charge adjustments.

Noah Laws	\$290.58
Tanya Puckett	\$161.06

B. Tax releases.

Tax Year	Tax Release Number	Name	Reason	Amount of Release
2004	31	Keller, John	Property listed in another county	\$10.16
2004	32	Little, William	Property tagged in prior year	\$2.42
2004	33	McCombs, Betty	Property to be rebilled	\$144.76
2004	34	Robinson, Joe Jr.	Property tagged in prior year	\$.88

2004	35	Serrano, Mariade Loures	Business no longer in operation	\$4.84
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- C. Consideration of initiating court proceedings on David/Rebecca Pruett - Junk Vehicle Code Enforcement Case. (adopted)

RESOLUTION #49-2004
RESOLUTION OF THE CITY COUNCIL
OF THE CITY OF NEWTON

CONCERNING:

OWNER/OCCUPANT/TENANT: Mr. David A. Pruett and Ms. Rebecca B. Pruett

OWNER'S ADDRESS: 1676 Old Farm Rd., Hickory, NC 28602

PROPERTY ADDRESS: 7 S. Coulter Ave., Newton, NC 28658

TAX MAP REFERENCE: MAP 18N, BLOCK 02 LOT 8G (COUNTY Catawba)

PIN: 3740 14 23 7133

BEING A RESOLUTION directing the City Attorney for the City of Newton pursuant to Chapter 16 Nuisances of the City of Newton Code to petition the Superior Court of the General Court of Justice of the State of North Carolina for an order directing such owner named herein to comply with Order of the Code Enforcement Officer as authorized by Chapter 16, Sections 16-4 Nuisance of the City Code; and

WHEREAS, the City Council of the City of Newton finds that the property herein described is a safety and health hazard to the public under the provisions of the Nuisance Code and that the provisions of said Code have been complied with as a condition to the adoption of this resolution; and

WHEREAS, the owner of said property has failed and refused to comply with a lawful order of the Code Enforcement Officer to remove the same to meet the requirements of Nuisances Code within the time period prescribed;

NOW, THEREFORE; be it resolved by the City Council of the City of Newton that the City Attorney for the City of Newton pursuant to Chapter 16, Sections 16-4 Code of the City be authorized and directed to petition the Superior Court of the General Court of Justice of the State of North Carolina for an order directing such owner named herein to comply with Order of the Code Enforcement Officer as authorized by the North Carolina General Statutes, said Order of the Code Enforcement Officer being dated April 29, 2004 and incorporated by reference into this Resolution.

ADOPTED THIS 14TH DAY OF JULY, 2004.

ROBERT A. MULLINAX, MAYOR

ATTEST:

RITA K. WILLIAMS, CITY CLERK

- D. Consideration of abandonment of sewer line - Cross Creek Subdivision.
(adopted)

ITEM 5 - PUBLIC HEARINGS:

- A. Zoning Text Amendment #2004-03 - SK 8. public hearing cancelled
- B. Subdivision regulations text amendment #2004-01 speed limits.

Mayor Mullinax recessed the Council meeting and called to order a public hearing, as previously scheduled and advertised, to consider a text amendment to the subdivision regulations regarding speed limits.

Assistant City Manager Pattishall reported that several developers have inquired as to posting lower than 35 mph speed limits in their new subdivisions. After reviewing the City Code and the state statutes, the speed limit is 35 mph within a municipal corporate limit unless otherwise posted. The purpose of the proposed amendment is to clarify in the subdivision regulations for staff and developers what the speed limits will be within new subdivisions and define specifically the manner in which speed limits may be changed. He said the Subdivision Review Board and the Planning Commission have recommended approval of the text amendment.

Mayor Mullinax asked if there was anyone in the audience who wanted to speak regarding the proposed text amendment and no one appeared. He closed the public hearing and called the Council meeting back into session.

A motion was made by Council Member Dixon, and seconded by Mayor Pro Tem Rowe, and unanimously adopted to accept the recommendations of the Subdivision Review Board and the Planning Commission to approve the text amendment.

ORDINANCE #2004.38 ATTACHED

ITEM 6 - OLD BUSINESS:

A. Public input and discussion regarding fire siren.

Mayor Mullinax stated that at the last meeting, he appointed a Committee to study the fire siren issue and the Council agreed to receive public input at tonight's meeting regarding the siren. He said Mrs. Joyce Rudisill has presented another petition containing 184 additional names in support of keeping the siren.

Mr. Ken Johnson also voiced his support of the siren.

Mayor Mullinax read a portion of a letter from William Smith who requested that if the siren is replaced that a compromise be considered. He requested sounding off the siren for noon alerts - Monday - Saturday and turn the system completely off after the hour of 7:00 PM only to return to operation after 7:00 AM the next day. He further recommended to use the siren as an emergency alert only when the downtown Newton Station is called active and for severe weather alerts and other emergency situations.

The Committee appointed by Mayor Mullinax to make a recommendation on the use of the fire siren recommended the following:

1. to relocate the fire siren to the old water plant property
2. to refurbish the existing siren which includes its upgrading and also updating the wiring
3. blow the siren at noon except on Sundays
4. blow the siren from 6:00 AM to 11:00 PM to alert citizens of fires
5. utilize the siren until it is not practical to be able to operate it and at that time bring the matter back to the Council

Council Member Gaither stated that he would like to hear it sound at noon but felt it should be used to alert citizens during emergencies. However, he said this would not be effective if it sounds when fire trucks are dispatched.

After discussion, a motion was made by Council Member Dellinger, seconded by Council Member Johnson, that the Committee's recommendation be adopted. The motion was then amended by Council Member Dellinger, seconded by Council Member Johnson, to change the time to 10 PM instead of 11:00 PM. The motion and amendment carried by a five to one vote with Council Members Dellinger, Johnson, Stedman, Dixon and Rowe voting for the motion. Council Member Gaither voted against it.

B. Discussion of Storm water Discharge Permit.

Public Works and Utilities Director Marty Wilson reported that the City was designated as an operator of a municipal separate storm sewer system (MS4) pursuant to Federal Regulation CFR 122.26 (b)(8) and was subsequently required to apply for a Phase II Stormwater Permit by March 10, 2003. The permit application was prepared and sent before the deadline and the City received a draft permit in late October 2004. He said there is a public comment period that extends through November 2004 and copies of the permit are available at the Public Works office and the office of the City Clerk. After the public comment period, a final permit will be issued and the City will be required to comply with the requirements as set forth in the final permit. He said this report was for the Council's information and no action was required.

ITEM 7 - NEW BUSINESS:

A. Consideration of rules and regulations for use of City cemeteries.

City Manager Burchins reported that the City is close to wrapping up the new cemetery dealing with stormwater issues with DOT, run-off is being checked in residential areas, landscaping is being completed adjacent to residential areas, berms are being constructed for screening and the City staff is working with individual property owners on their concerns. The staff is getting ready to locate cemetery plots and the rules and regulations for use of the cemetery need to be updated. He said hopefully, the cemetery will be open in mid-January.

Assistant City Manager Pattishall stated that the present rules and regulations have not been formally adopted by the Council but are being used by the City staff for operation of the current cemeteries. He said that there were some regulations that are part of the City Code. Mr. Pattishall said that the City staff has developed the proposed rules and regulations as well as proposed revisions to the City Code and has reviewed them with the City Attorney.

Mr. Burchins requested the Council review the proposed rules and regulations until the next meeting. He said the Council needs to name the cemetery, decide on the type of markers/monuments to be used, consider whether double depths should be allowed in the new cemetery and whether they will be charged for the second burial.

Mr. Pattishall also reviewed several drawings of the proposed entrance to the cemetery for their consideration.

After discussion, Mayor Mullinax asked the Council to review the drawings until the next meeting and make a decision at that time.

ITEM 8 - CITY MANAGER'S REPORT.

A. Report on upcoming City holidays.

City Manager Burchins stated that because Christmas Day falls on a week-end this year, the City will observe two days holiday instead of three and observe two days for Thanksgiving instead of one.

Mr. Burchins reported that the Sesquicentennial Committee is working on events and programs for next year's celebration. One idea was to bring in the Sesquicentennial Year with a firework's display in the downtown area on New Year's Eve. He asked the Council if they were comfortable in taking on this event and there was consensus to do so.

ITEM 9 - QUESTIONS FROM MAYOR AND COUNCIL.

Council Member Dixon commended City Manager Burchins on his presentation

during the public forum.

ITEM 10 - CLOSED SESSION ON PERSONNEL MATTER - G.S. 143-318.11(a)(6).

ITEM CANCELLED

There being no further business, a motion was made by Council Member Johnson, seconded by Council Member Stedman, and unanimously adopted that the meeting be adjourned.

Respectfully submitted,

Robert A. Mullinax, Mayor

Rita K. Williams, City Clerk